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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: MM Docket No. 87-268

Dear Mr. Caton:

November 3, 1997

In its Fifth Report and Order in the above proceeding, the Commission adopted a rule (47 C.F.R. §73.624) imposing a staggered schedule of deadlines for construction of digital television (DTV) facilities by commercial and noncommercial television licensees. Under that schedule, network affiliates in the ten largest television markets are required to complete construction by May 1, 1999 unless an extension is granted by the Commission. Supplementing that rule were voluntary statements of intent by network companies and group owners to construct DTV facilities by November 1, 1998 in certain of those largest markets. In that connection, the Commission has asked these entities to "file reports at six-month intervals, beginning on November 1, 1997, stating that their plans to meet those [voluntary] deadlines are on schedule or specifying any difficulties encountered in attempting to meet those deadlines."<sup>1</sup>

Following is the requested progress report for the four top-ten markets -- New York, Philadelphia, San Francisco and Detroit -- in which CBS intends to accelerate construction of DTV facilities beyond the requirements of the rule. As noted, we expect to have filed construction permit applications by the end of November in three of those four markets. However, changes to CBS's construction authorizations may ultimately be necessary to reflect channel changes which are adopted by the Commission on reconsideration in this proceeding to correct deficiencies in the allotment table.

WCBS-TV, DTV Channel 56

CBS proposes to construct the DTV transmission facility of WCBS-TV at the Empire State Building, located 4.7 kilometers from the WCBS-TV transmitter at the World Trade Center in New York City. CBS filed an application for a construction permit for these proposed facilities on October 31. The proposed site is within 5 kilometers of the reference coordinates of WCBS-TV, and the proposed facility will operate at the channel and effective radiated power ("ERP") assigned to it in the current allotment table and at

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<sup>1</sup> Fifth Report and Order, MM Docket No. 87-268, released April 21, 1997 at ¶¶76-77.

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a lower height above average terrain ("HAAT"). Thus, the CBS application will qualify for expedited approval.

A new Harris Corp. panel antenna system will be installed on an existing tower atop the Empire State Building. Space for the DTV antenna is being created by modification of the WCBS-TV auxiliary antenna under a construction permit (BCPT-961025KF) which was granted by the Commission on December 20, 1996. CBS has authorization from the Commission (BPEXT-960724LL) to operate an experimental DTV station at this site on Channel 33, at an ERP of 327 kW. Upon approval of the construction permit for Channel 56 and completion of the proposed Channel 56 DTV station, CBS will discontinue operation of the Channel 33 experimental station.

The Harris Corp. transmitter and antenna, as well as the transmission line and other DTV components have been purchased. The transmitter and transmission line have been delivered. The fabrication and testing of the antenna have been completed and, upon approval of the Channel 56 construction permit, the antenna will be delivered and installed. Coordination is ongoing with other broadcasters at the Empire State Building to develop a plan for reduced power operation to permit installation of the CBS Channel 56 antenna system. Unless weather delays are encountered, the antenna should be installed prior to the end of 1997.

CBS currently anticipates that, absent unforeseen circumstances, the DTV station will be in operation prior to November 1, 1998.

#### KPIX-TV, DTV Channel 28

The proposed DTV station of KPIX-TV will transmit from the Mount Sutro tower in San Francisco, the location of the NTSC transmitters of KPIX-TV and nine other San Francisco area television stations. The Mount Sutro tower facility is managed by a group of four television stations, including KPIX-TV. Joint planning and construction of the DTV facilities at this site is being coordinated by Sutro Tower, Inc. ("Sutro"), the business entity of the tower management group.

The tower structure is being reinforced so that it will accommodate the DTV antennas and transmission lines for all ten stations. Kline Towers, the contractor performing the tower reinforcement, expects to complete the modifications by mid-November 1997. Sutro has contracted with Dielectric Communications, Inc. to design and manufacture the

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ten station DTV antenna system, transmission line and station combiner system. The transmission line is being installed and the antenna and combiner system design has been completed.

Several existing antennas must be relocated to provide space on the tower for the proposed DTV antennas. Sutro expects to complete the relocation of these antennas by December 15, 1997. In addition, the installation of the DTV antennas requires the approval of the San Francisco Planning Commission. Sutro has filed an environmental impact statement pursuant to California state law. Although neighborhood opposition to the DTV installation has arisen, we are hopeful that approval for the proposed DTV antennas by the Planning Commission will occur by the end of 1997.

In November 1997, CBS intends to file an application with the Commission for a construction permit for KPIX's DTV facilities. Because the application will be for the channel and ERP assigned to KPIX-TV in the current table of allotments, and for a lower HAAT, it will qualify for expedited approval. CBS has ordered a Harris Corp. transmitter for this DTV operation. The system design of the transmitter facility is in progress.

CBS currently anticipates that, absent unforeseen circumstances, the DTV station will be constructed and operational prior to November 1998.

#### KYW-TV, DTV Channel 26

CBS plans to construct the proposed DTV station of KYW-TV at its existing transmitter site, which is jointly owned with television station WPVI-TV, the ABC-owned station in Philadelphia. CBS will lease DTV antenna space on a new 1277 foot tower to be constructed by WPVI-TV. The new tower is located less than 0.3 kilometers from the existing KYW-TV antenna.

On October 22, 1997, WPVI-TV received a final "Determination of No Hazard to Air Navigation" for the new tower from the Federal Aviation Administration. WPVI-TV has indicated to CBS that a contract to construct the new tower is expected to be awarded by the end of November 1997, with construction currently expected to be completed by September 1, 1998. The antenna systems for KYW-TV and WPVI-TV will be ordered by WPVI-TV, pending completion of system designs.

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CBS has ordered the transmitter for the KYW-TV DTV operation, subject to completion of system design. CBS intends to submit an application for a construction permit for the DTV operation of KYW-TV to the Commission in November 1997. The proposed DTV antenna location is less than 5 kilometers from the reference coordinates. The ERP of the proposed DTV operation will be reduced to compensate for the planned increase in HAAT over that provided in the current DTV table of allotments for KYW-TV.

CBS expects that, absent unforeseen circumstances, the construction of the KYW-TV DTV facility will be completed by November 1, 1998.

#### WWJ-TV, DTV Channel 44

CBS is currently assigned DTV channel 44 at a power level of 50 kW. On June 13, 1997, CBS asked the Commission to reconsider the Sixth Report and Order in this proceeding insofar as it decided that all proposed NTSC facilities modifications would be excluded from the Commission's database used to determine NTSC service area replication in the DTV environment if applications for those modifications were still pending on April 3, 1997. Such a modification application -- for operation at 5,000 kW at an HAAT of 327 meters -- was pending for WWJ-TV on that date and was granted on April 21.<sup>2</sup> On August 22, CBS filed a supplement to that petition which concluded that the assignment of DTV channel 65 to WWJ-TV, Detroit, would allow the replication of WWJ-TV's modified 5,000 kW facilities without causing new interference to NTSC or DTV stations.<sup>3</sup> That CBS petition and supplement are still pending, and we are currently deferring the filing for a construction permit for our Detroit DTV facility in the hope that the uncertainty about WWJ-TV's DTV channel and technical parameters will be quickly removed.

CBS is proceeding with plans to construct the modified NTSC facility for WWJ-TV and has chosen a contractor to build a new tower at the proposed site. Space is allocated on the new tower for the WWJ-TV DTV antenna, and the transmitter facility includes space for the DTV transmitter. Because of the substantial difference in power levels assigned to WWJ-TV under the current DTV allotment table and the power levels

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<sup>2</sup> Petition of CBS Inc. for Partial Reconsideration of the Sixth Report and Order, MM Docket 87-268.

<sup>3</sup> Supplement to Petition for Partial Reconsideration of the Sixth Report and Order, MM Docket No. 87-268.

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contemplated for WWJ-TV's requested operation on Channel 65, purchase of the transmitter is awaiting a decision on the pending petition for reconsideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'W. F. Caton', written in a cursive style.

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

cc All Commissioners  
Roy J. Stewart, Esq.  
Richard M. Smith